IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2554 OF 2006

Mr.Mushtaq A. Sheikh ...Petitioner.

Versus

Shri.Vishwanath Shreedhan
and Anr. ...Respondents.

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Mr.Jahangir Khajotia with Girish Kulkarni, Adv. for the Petitioner.
Mr.Prakash Salke h/f. P.A.Sawant, Adv. for Respondent No.1.
Mr.Rajesh More, APP, for State.

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CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : 8th March, 2007.

P.C.:

1. Heard the learned Advocate for the petitioner-orig.accused, the learned Advocate for Respondent No.1-orig.complainant and the learned APP for the State.

2. Process came to be issued against the petitioner under Section 406 of IPC by the learned Additional Chief Metropolitan Magistrate, 45th Court at Kurla, Mumbai in C.C.No.96/SW/2006. The petitioner is seeking quashing of the said process.

3. For the reasons recorded in the the case of **V.K.Jain and others Vs. Pratap V. Padode, reported in 2005(3) Mh.L.J.778,** I am of the

opinion that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

5. The learned advocate for respondent No.1-orig.complainant fairly states that no objection will be raised in respect of delay, if any, in filing the revision.

6. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court after hearing necessary parties shall condone the delay if any and dispose of the matter on merits.

7. Writ Petition is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)